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January 12, 2008

Hon. Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

RE: United States v. Marvin Falikovic
07 Cr. 906 (NRB)

Dear Judge Buchwald:

Pursuant to 18 U.S.C. § 3553(a), I submit the following information for your consideration in determining the sentence to be imposed upon Marvin Falikovic following his plea of guilty to having possessed child pornography in violation of 18 U.S.C. § 2252(a)(5)(B). Sentencing is presently scheduled for February 28, 2008.

Marvin Falikovic stands before you a scared and broken man. For most of his life, he had lived a quiet and insular life. His one significant relationship, his marriage to Ladda Sornsuntorn, ended disastrously. Lonely and isolated, Mr. Falikovic, like so many others, turned to the computer for companionship. Without attempting to diffuse responsibility, it appears that a host of personal circumstances occurring within a relatively short period of time led down him to stray from an otherwise proper life.

Mr. Falikovic was born on December 3, 1950 in Brooklyn, New York. He was an only child and reports a stable and nurturing family life. He attended Canarsie High School (class of 1968), Baruch College (BBA in 1973) and Long Island University (MBA-finance in 1986). He worked with the New York Stock Exchange for 29 ½ years in the regulatory compliance department, retiring on June 30, 2006.

Shy in nature, Mr. Falikovic did not marry until July, 1996, when he married Ms. Sornsuntorn, who he met in Thailand. This marriage was rocky almost from the beginning and Mr. Falikovic now believes that his wife most probably married him for security. It was not long after they returned to the United States that Ms. Sornsuntorn

started staying out late and ultimately not returning home for days at a time. When she did return home, the couple quarreled over her actions. At some point Mr. Falikovic became aware that his wife had become a habitual user of "ice". In May, 2005 this bad situation rose to a new level. In response to Mr. Falikovic's complaints about her lifestyle, Ms. Sornsuntorn picked up a pair of scissors and cut him on his forehead. He reports that although she had threatened him in the past with a knife and thrown things at him, this was the first time she actually injured him. Following this incident Mr. Falikovic called the police and filed a complaint. Charges were commenced against Ms. Sornsuntorn and an Order of Protection issued in Mr. Falikovic's favor. Ms. Sornsuntorn failed to appear in court as directed and a warrant was issued for her arrest. This warrant remains outstanding as of today. In October 2005, Ms. Sornsuntorn violated the Order of Protection by appearing unannounced at Mr. Falikovic's apartment and once again threatened him.

These events, coupled with the loss of Mr. Falikovic's father in April 2004 (they had been very close and Mr. Falilkovic had cared for him as he suffered from dementia), played heavily on his emotional well-being. He sought a brief counseling period with an employee counseling service through the New York Stock Exchange but otherwise kept his pain inside. His actions on the internet are an apparent outlet from his personal problems.

It is extremely significant that at the time Mr. Falikovic's computer was seized, only one short video clip was found. There were no other inappropriate photographs on the hard drive. Mr. Falikovic reports that although he had subscribed to the website from which the video clip was derived, he did so more out of curiosity and not because of a sexual interest in underage individuals. By all accounts, Mr. Falikovic let his subscription to this website lapse. Further, it is notable that the government's search of Mr. Falikovic's apartment found no other inappropriate images in any type of format (ie; magazines, photographs).

Additionally relevant herein is the fact that at no time did Mr. Falikovic ever meet with anyone not of age. Indeed, by all accounts Mr. Falikovic was, and remains, a homebody. He remains the same shy individual he has been for most of his life.

From the inception of the instant investigation, Mr. Falikovic had been fully cooperative with the authorities. Furthermore, he not only fully accepts responsibility for his actions, but he is additionally extremely embarrassed by them and is truly remorseful. It was never his intent to harm anyone. He is truly saddened that he has participated in the victimization of the child depicted in the video by the downloading the image found on his computer.

It is respectfully requested in light of the facts set forth above that the Court impose a sentence outside of the applicable Sentencing Guideline range. Specific request is for the Court to impose a sentence of probation. The imposition of this sentence would fully meet the statutory purposes of sentencing, including respect for the law, providing just

punishment for the offense, achieving general deterrence, and protecting the public from further crimes by the defendant.

Thank you.

Very truly yours,

Curtis Farber

cc: AUSA Jenna Dabbs
Prob. Off. Emily Frank Ellis